

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

ROBERT PADILLA

PLAINTIFF

V.

CIVIL ACTION NO. 1:06cv483-LTS-RHW

STATE FARM FIRE & CASUALTY COMPANY

DEFENDANT

ORDER

This Court entered an [21] Order directing Plaintiff's counsel to advise of his position as to being subjected to the payment of fees arising from his failure to attend a scheduled mediation. Counsel's response does not materially contradict the factual circumstances outlined in [21], and correspondence from the Program Administrator (referred to but not attached by counsel) made it clear that the mediation was not being continued, a fact which was known at least a week in advance. Counsel attributes his failure to appear to oversight rather than intent, but the issue is good cause. Another key element of the Court's mediation program—attendance by the parties—was not met, as Plaintiff was not going to be present, either.

Plaintiff's counsel's explanation does not constitute good cause. It also does not change the fact that expenses were incurred by the Program Administrator arranging the mediation, and by the mediator and defense counsel who were present for it. The Court does not expect this conduct to be repeated, and looks forward to all parties and their counsel participating in the mediation in a serious and good faith manner consistent with its [15] Order.

Accordingly, **IT IS ORDERED:**

Counsel for Plaintiff or his law firm shall send a check in the amount of \$200.00 payable to the American Arbitration Association at the following address:

American Arbitration Association
Central Case Management Center
13455 Noel Rd., Suite 1750
Dallas, TX 75240-6620
ATTN: Lesley Barton

Counsel for Plaintiff or his law firm shall send a check in the amount of \$400.00 payable to Brandi C. Schwartz at the following address:

Brandi C. Schwartz, Esq.
Montgomery, Barnett, Brown, Read, Hammond & Mintz, LLP
2310 19th Street
Gulfport, MS 39501

Counsel for Plaintiff or his law firm shall send a check in the amount of \$150.00 payable to Sherrie L. Moore at the following address:

Sherrie L. Moore, Esq.
Allen, Cobb, Hood & Atkinson
P. O. Drawer 4108
Gulfport, MS 39502-4108

Counsel for Plaintiff or his law firm shall send these checks no later than November 28, 2006, and shall provide written confirmation to the Court of payment. The payees shall also provide written confirmation to the Court of the receipt of payment.

The mediation in this cause of action is **NOT** continued, but shall be rescheduled during the current round of the Court's mediation program.

SO ORDERED this the 21st day of November, 2006.

s/ L. T. Senter, Jr.
L. T. Senter, Jr.
Senior Judge